



POLICE DEPARTMENT

October 4, 2012

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Lisette Jordan
Tax Registry No. 926198
Bronx Court Section
Disciplinary Case No. 2012-6767

The above-named member of the Department appeared before me on September 12, 2012, charged with the following:

1. Said Police Officer Lisette Jordan, while assigned to the 42nd Precinct, while off duty, on or about May 4, 2011, in the confines of the 32nd Precinct, engaged in conduct prejudicial to the good order and efficiency of the Department, to wit said officer engaged in a physical altercation with several individuals known to the Department.

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS

2. Said Police Officer Lisette Jordan, while assigned to the 42nd Precinct, while off duty, on or about May 4, 2011, in the confines of the 32nd Precinct, having been involved in a police incident, did thereafter fail to remain at the scene and request the response of a Patrol Supervisor, Precinct of occurrence.

P.G. 212-32, Page 1, Paragraphs 1 & 2 OFF DUTY INCIDENTS INVOLVING
UNIFORMED MEMBERS OF
SERVICE

The Department was represented by Penny Bluford-Garrett, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through her counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

On May 3, 2011, Respondent's 16-year-old son, Minor A, was accosted by two young men outside a grocery store near his school, the Frederick Douglas Academy at 148 Street and Adam Clayton Boulevard in Manhattan. They told him not to buy anything in the store. Minor A did so anyhow and when he exited the store the young men who had accosted him, beat him up. When she learned of this event later that day Respondent took her son to the 32 Precinct. In the squad room, her son identified pictures of two known gang members hanging on the wall as the men who accosted him. Respondent was told to come back with her son the next day to do a canvass with the Youth Officer.

The next day, May 4, 2011, Minor A, who was embarrassed by the whole incident, indicated that he did not want to go to the precinct. Respondent drove him to school. Her husband followed in a separate car. Near the school they saw the man who had assaulted Minor A. She stopped and approached him and was joined by her husband. Harsh words by the young man led her husband to hit the young man. Respondent acknowledged that she too hit the young man. They left the scene.

Respondent and her son then went to the precinct. They waited a time for the Youth Officer but left the precinct without meeting that officer. They did not inform anyone about what happened during the encounter that morning.

Minor A went to school and Respondent went to work. When she got there her son called to say that a girl had hit him in the back of the head and that other individuals were threatening him. Respondent went to the 32 Precinct and met with the Youth Officer. They then went to the school. The dean of the school walked Minor A through the cafeteria to look for the girl who hit him while Respondent remained in the office. While Minor A and the dean were in the cafeteria, a male who identified himself as the brother of the young man who had been assaulted that morning by Respondent and her husband came forward and assaulted Minor A in front of everyone, apparently in retaliation for what had happened earlier that day. Minor A was taken to the hospital. It was as a result of this incident that the Department became aware of the events of the morning of May 4, 2011, in which Respondent and her husband had hit the initial assailant.

Minor A was transferred out of the school and is currently a student at Penn State University. Respondent was never prosecuted criminally. Some months after the incident, Respondent's husband was issued a Desk Appearance Ticket which has not been prosecuted as of this date.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined.

See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent

was appointed to the Department on March 1, 2000. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Department is recommending a penalty of the loss of 30 vacation days and one year dismissal probation. Respondent argues that her son was a victim in this case and that she should receive a punishment of no more than 15 days.

The problem here is simple and easy to state: Respondent took the law into her own hands meting out "street justice." This is inimical to the central role and function of this Department. That Respondent's "street justice" backfired is sad but not surprising. The problems inherent in "street justice"; the potential for error, the potential for excess and the potential for retaliation which can lead to "wars," "feuds" and other ongoing acts of reprisal, are at the very heart of the reason and purpose behind the establishment of police forces and the rule of law. For a police officer to act outside of the rule of law is a serious matter because police officers represent the rule of law.

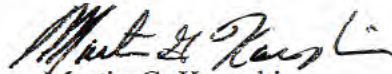
That Respondent was emotional and full of anger towards the young man who assaulted her son is understandable, but restraint is also part of the police function. In this case, Respondent put herself in a position where restraint, both of herself and her husband, became difficult and where, obviously, it was not controlled.

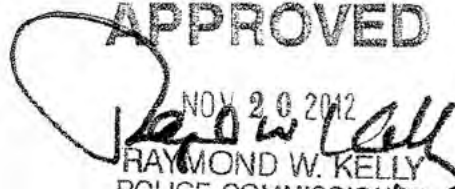
Respondent also failed to report this matter to the Department as she is required to do. Respondent candidly acknowledged that she did not do so because she knew that what she had done was wrong.

Additionally, in crafting a penalty one must consider that this is not the first time Respondent has used poor judgment with regard to Department rules and policies (see Confidential Memorandum attached hereto).

Based on the above, I recommend that Respondent be DISMISSED from the New York City Police Department but that her dismissal be held in abeyance for a period of one year pursuant to Section 14-115(d) of the Administrative Code, during which time she remains on the force at the Police Commissioner's discretion and may be terminated at any time without further hearing. I further recommend that Respondent forfeit 30 vacation days.

Respectfully submitted,


Martin G. Karopkin
Deputy Commissioner Trials


APPROVED
NOV 20 2012
RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

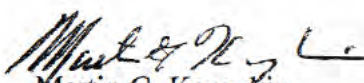
From: Deputy Commissioner Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER LISETTE JORDAN
TAX REGISTRY NO. 926198
DISCIPLINARY CASE NO. 2012-6767

In her last three annual evaluations, Respondent received an overall rating 4.5
"Highly/Extremely Competent" in 2011, a 3.0 "Competent" in 2010, and a 3.0
"Competent" in 2009. [REDACTED]

Monitoring for Serious Misconduct since October, 2008.

In 2008, Respondent forfeited 32 suspension days without pay for failing to
comply with a lawful order and for being discourteous to a supervisor. In addition, in
2011, she forfeited 20 vacation days for failing to safeguard her Restricted Parking
Permit which resulted in the unauthorized use of the permit by her sister.

For your consideration.


Martin G. Karopkin
Deputy Commissioner Trials